

000019

COMMITTEE ACTION SHEET

50
10/21

COUNCIL DOCKET OF

Oct 7, 2008

☐ Supplemental ☐ Adoption ☐ Consent ☒ Unanimous Consent Rules Committee Consultant Review

R -

O -

Rancho Mission Wetland Enhancement Project, Nature's Image, Inc. - C.C.O. No. 2

☒ Reviewed ☐ Initiated By NR&C On 9/10/08 Item No. 2b

RECOMMENDATION TO:

Approve

VOTED YEA: Frye, Faulconer, Peters

VOTED NAY:

NOT PRESENT: Atkins

CITY CLERK: Please reference the following reports on the City Council Docket:

REPORT TO THE CITY COUNCIL NO.


INDEPENDENT BUDGET ANALYST NO.

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

Metropolitan Wastewater Department's July 22, 2008, Executive Summary Sheet

COUNCIL COMMITTEE CONSULTANT



000021 EXECUTIVE SUMMARY SHEET		REPORT NO.:
DATE REPORT ISSUED:	July 22, 2008	
ATTENTION:	Council President and City Council	
ORIGINATING DEPARTMENT:	Metropolitan Wastewater Department	
SUBJECT:	Rancho Mission Wetland Enhancement Project, Nature's Image Inc. - C.C.O. No. 2	
COUNCIL DISTRICT:	7	
STAFF CONTACT:	Keli Balo (858)292-6423	
<u>REQUESTED ACTION:</u>		
Approval of Contract Change Order No. 2 to the agreement with Nature's Image, Inc., providing for a time extension for a period of 1,512 calendar days from the original expiration date of the contract and an additional \$262,078.76.		
<u>STAFF RECOMMENDATION:</u>		
Adopt the Ordinance.		
<u>EXECUTIVE SUMMARY:</u>		
<p>On May 14, 2007 the City entered into an agreement with Nature's Image, Inc., with Document Number C-13428. The agreement, in the amount of \$985,746.04, included the construction associated with the Rancho Mission Canyon Wetland Enhancement Project. The site is located on Open Space Lands in the Navajo Community. The project consists of the enhancement of more than 11 acres of wetland and wetland transitional habitat to be used as compensatory mitigation for past and future impacts to upland and wetland habitats within the San Diego River Watershed.</p> <p>Habitat mitigation projects involve construction, installation, and a mandatory 5 year maintenance and monitoring period. The Rancho Mission Canyon Wetland Enhancement Project is currently in year 1 of the 5 year maintenance period.</p> <p>This request is for a time extension for 1512 days from the expiration date of the existing contract and an additional \$262,078.76 in funding to allow the contractor to complete the five years of long-term maintenance. The original contract expires on January 18, 2009. This Contract Change Order will enable Nature's Image, to continue to provide maintenance services for the Rancho Mission Canyon Wetland Enhancement Project as required by regulatory permits.</p>		
<u>EQUAL OPPORTUNITY CONTRACTING</u>		
Funding Agency: City of San Diego- Prevailing wages do not apply to this contract (No State or Federal Funding).		
Goals: This project has goals of 19% Mandatory Subcontractor Participation Goal, 6% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise, 12% Advisory Participation Goal Other Business Enterprise (OBE).		
Other: A work force report has been submitted. Nature's Image Inc. has demonstrated efforts to diversify their workforce which precludes the need to request an Equal Opportunity Plan.		

000023
DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO
EQUAL OPPORTUNITY CONTRACTING PROGRAM EVALUATION

DATE: 50
August 18, 2008 10/21

SUBJECT: Rancho Mission Canyon Wetland Enhancement Project, Nature's Image, Inc. C.C.O. No. 2

GENERAL CONTRACTOR INFORMATION

Recommended Consultant: Nature's Image, Inc.
Amount of this Action: \$ 262,078.76
Original Contract: \$ 985,746.04
Cumulative Amount: \$1,317,415.43
Funding Source: City of San Diego

SUBCONTRACTOR PARTICIPATION

	<u>This Action</u>	<u>Cumulative</u>
Hydrosprout (Other)	\$0.00 0%	\$ 18,118.48 1.38%
San Diego Tree Care (Other)	\$0.00 0%	\$233,326.32 17.71%
Total Certified Participation	\$0.00 0%	\$ 0.00 0.00%
Total Other Participation	\$0.00 0%	\$251,444.80 19.09%
Total Participation	\$0.00 0%	\$251,444.80 19.09%

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Equal Opportunity: Required

Nature's Image, Inc. submitted a Work Force Report for their Orange County employees dated July 31, 2008 indicating 17 employees in their Administrative Work Force and 101 employees in their Trade Work Force. The Administrative Work Force Analysis reflects under representations in the following categories:

Asians in A&E, Science, Computer
Filipinos in A&E, Science, Computer
Females in Sales

The Construction Trade Work Force Analysis reflects under representations in the following categories:

Blacks, Asians, Filipinos and Females in Construction Laborers

Equal Opportunity staff is concerned about the under representations in the firm's work force report analysis and therefore, has requested an Equal Opportunity Plan and will monitor the firm's efforts to implement their plans.

This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. 18173, Section 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517)

ADDITIONAL COMMENTS

The *Work Force Analyses* are attached.


JLR

File: Admin WOFO 2000

Date WOFO Submitted: 7/31/2008

Input by: lad

Goals reflect statistical labor force

availability for the following:

2000 CLFA

Orange County, CA

City of San Diego/Equal Opportunity Contracting

WORK FORCE ANALYSIS REPORT

FOR

Company: Natures Image, Inc.

I. TOTAL WORK FORCE:

	Black			Hispanic			Asian			American Indian			Filipino			White			Other		
	CLFA Goals	M	F	CLFA Goals	M	F	CLFA Goals	M	F	CLFA Goals	M	F	CLFA Goals	M	F		M	F		M	F
Mgmt & Financial	1.5%	0	0	10.6%	0	0	10.9%	0	0	0.3%	0	0	10.9%	0	0		2	1		0	0
Professional	1.8%	0	0	11.1%	0	0	11.8%	0	0	0.4%	0	0	11.8%	0	0		0	0		0	0
A&E, Science, Computer	1.4%	0	0	7.0%	3	0	25.5%	0	0	0.2%	0	0	25.5%	0	0		2	0		0	0
Technical	2.7%	0	0	15.7%	0	0	23.8%	0	0	0.3%	0	0	23.8%	0	0		0	0		0	0
Sales	1.3%	0	0	18.4%	1	0	12.1%	0	0	0.4%	0	0	12.1%	0	0		3	0		0	0
Administrative Support	2.2%	0	0	23.2%	0	1	11.8%	0	0	0.4%	0	0	11.8%	0	0		1	2		0	0
Services	1.3%	0	0	46.5%	0	0	11.4%	0	0	0.3%	0	0	11.4%	0	0		0	0		0	0
Crafts	1.2%	0	0	29.4%	0	0	15.5%	0	0	0.4%	0	0	15.5%	0	0		0	0		0	0
Operative Workers	0.7%	0	0	55.7%	0	0	21.3%	0	0	0.2%	0	0	21.3%	0	0		0	0		0	0
Transportation	2.1%	0	0	44.9%	0	0	7.2%	0	0	0.6%	0	0	7.2%	0	0		1	0		0	0
Laborers	1.2%	0	0	65.7%	0	0	5.0%	0	0	0.3%	0	0	5.0%	0	0		0	0		0	0
TOTAL		0	0		4	1		0	0		0	0		0	0		9	3		0	0

HOW TO READ TOTAL WORK FORCE SECTION:

The information blocks in Section 1 (Total Work Force)

Identify the absolute number of the firm's employees.

Each employee is listed in their respective ethnic/gender and employment category. The percentages listed under the heading of "CLFA Goals" are the County Labor Force Availability goals for each employment and ethnic/gender category.

Mgmt & Financial
Professional
A&E, Science, Computer
Technical
Sales
Administrative Support
Services
Crafts
Operative Workers
Transportation
Laborers

TOTAL EMPLOYEES			Female Goals
ALL	M	F	
3	2	1	35.9%
0	0	0	58.9%
5	5	0	19.7%
0	0	0	48.3%
4	4	0	44.1%
4	1	3	72.2%
0	0	0	60.3%
0	0	0	8.2%
0	0	0	37.5%
1	1	0	15.6%
0	0	0	10.7%

HOW TO READ EMPLOYMENT ANALYSIS SECTION:

The percentages listed in the goals column are calculated by multiplying the CLFA goals by the number of employees in that job category. The number in that column represents the percentage of each protected group that should be employed by the firm to meet the CLFA goal. A negative number will be shown in the discrepancy column for each underrepresented goal of at least 1.00 position.

II. EMPLOYMENT ANALYSIS

TOTAL

	Black			Hispanic			Asian			American Indian			Filipino			Female		
	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy
Mgmt & Financial	0.05	0	N/A	0.32	0	N/A	0.33	0	N/A	0.01	0	N/A	0.33	0	N/A	1.08	1	N/A
Professional	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
A&E, Science, Computer	0.07	0	N/A	0.35	3	2.65	1.28	0	(1.28)	0.01	0	N/A	1.28	0	(1.28)	0.99	0	N/A
Technical	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Sales	-0.05	0	N/A	-0.74	1	N/A	0.48	0	N/A	0.02	0	N/A	0.48	0	N/A	1.76	0	(1.76)
Administrative Support	0.09	0	N/A	0.93	1	N/A	0.47	0	N/A	0.02	0	N/A	0.47	0	N/A	2.89	3	N/A
Services	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Crafts	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Operative Workers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Transportation	0.02	0	N/A	0.45	0	N/A	0.07	0	N/A	0.01	0	N/A	0.07	0	N/A	0.16	0	N/A
Laborers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00

Goals are set by job categories for each protected group. An underrepresentation is indicated by a negative number, but if the DISCREPANCY is less than -1.00 position, a N/A will be displayed to show there is no underrepresentation.

000027

File: Trade WOFO 2000

Date: 07/31/08

Input by: Lad

City of San Diego / Equal Opportunity Contracting CONSTRUCTION TRADE ANALYSIS REPORT

CLFA Data reflect statistical labor force availability for Construction Trade Employment in Orange County, CA
Company: Natures Image, Inc

I. TOTAL CRAFTS & TRADE WORK FORCE:

Orange County, CA County Labor Force Availability Goals

	Black			Hispanic			Asian			American Indian			Filipino			White			Other		
CLFA Goals	M	F		M	F		M	F		M	F		M	F		M	F		M	F	
Brick, Block or Stone Masons	0.4%	0	0	61.3%	0	0	1.6%	0	0	1.1%	0	0	1.6%	0	0	0	0	0	0	0	0
Carpenters	0.8%	0	0	47.4%	0	0	2.2%	0	0	0.3%	0	0	2.2%	0	0	0	0	0	0	0	0
Carpet, Floor & Tile Installers & Finishers	0.0%	0	0	54.2%	0	0	1.4%	0	0	1.2%	0	0	1.4%	0	0	0	0	0	0	0	0
Cement Masons, Concrete Finishers	1.6%	0	0	76.4%	0	0	0.0%	0	0	0.0%	0	0	0.0%	0	0	0	0	0	0	0	0
Construction Laborers	1.3%	0	0	63.1%	98	0	3.1%	0	0	0.3%	0	0	3.1%	1	0	2	0	0	0	0	0
Drywall Installers, Ceiling Tile Installers	1.5%	0	0	63.9%	0	0	0.7%	0	0	0.0%	0	0	0.7%	0	0	0	0	0	0	0	0
Electricians	1.6%	0	0	17.2%	0	0	5.9%	0	0	0.5%	0	0	5.9%	0	0	0	0	0	0	0	0
Elevator Installers and Repairers	0.0%	0	0	15.8%	0	0	7.9%	0	0	0.0%	0	0	7.9%	0	0	0	0	0	0	0	0
First-Line Supervisors/Managers	0.1%	0	0	23.0%	0	0	4.5%	0	0	0.4%	0	0	4.5%	0	0	0	0	0	0	0	0
Glaziers	2.4%	0	0	22.9%	0	0	4.8%	0	0	0.0%	0	0	4.8%	0	0	0	0	0	0	0	0
Helpers, Construction Trades	1.3%	0	0	63.1%	0	0	3.1%	0	0	0.3%	0	0	3.1%	0	0	0	0	0	0	0	0
Millwrights	0.0%	0	0	9.1%	0	0	9.1%	0	0	0.0%	0	0	9.1%	0	0	0	0	0	0	0	0
Misc. Const. Equipment Operators	0.0%	0	0	83.3%	0	0	2.7%	0	0	0.0%	0	0	2.7%	0	0	0	0	0	0	0	0
Painters, Construction & Maintenance	0.5%	0	0	62.7%	0	0	9.9%	0	0	0.1%	0	0	9.9%	0	0	0	0	0	0	0	0
Pipelayers, Plumbers, Pipe & Steam Fitters	1.5%	0	0	32.6%	0	0	4.5%	0	0	0.5%	0	0	4.5%	0	0	0	0	0	0	0	0
Plasterers and Stucco Masons	3.1%	0	0	74.2%	0	0	0.0%	0	0	0.0%	0	0	0.0%	0	0	0	0	0	0	0	0
Roofers	0.2%	0	0	72.7%	0	0	0.2%	0	0	0.0%	0	0	0.2%	0	0	0	0	0	0	0	0
Security Guards & Surveillance Officers	4.0%	0	0	26.1%	0	0	11.4%	0	0	1.1%	0	0	11.4%	0	0	0	0	0	0	0	0
Sheet Metal Workers	0.0%	0	0	33.0%	0	0	4.5%	0	0	1.5%	0	0	4.5%	0	0	0	0	0	0	0	0
Structural Metal Fabricators & Fitters	0.0%	0	0	53.3%	0	0	0.0%	0	0	0.0%	0	0	0.0%	0	0	0	0	0	0	0	0
Welding, Soldering & Brazing Workers	0.4%	0	0	58.5%	0	0	13.2%	0	0	0.9%	0	0	13.2%	0	0	0	0	0	0	0	0
Workers, Extractive Crafts, Miners	0.8%	0	0	42.5%	0	0	4.2%	0	0	0.4%	0	0	4.2%	0	0	0	0	0	0	0	0
TOTAL		0	0		98	0		0	0		0	0		1	0		2	0		0	0

How to Read Total Work Force Section:

The information blocks in Section 1 (Total Work Force) identify the absolute number of the firm's employees. Each employee is listed in their respective ethnic/gender and employment category. The percentages listed under the heading CLFA Data are the County Labor Force Availability (CLFA) data for each employment and ethnic/gender category.

Brick, Block or Stone Masons
Carpenters
Carpet, Floor & Tile Installers & Finishers
Cement Masons, Concrete Finishers
Construction Laborers
Drywall Installers, Ceiling Tile Installers
Electricians
Elevator Installers and Repairers
First-Line Supervisors/Managers
Glaziers
Helpers, Construction Trades
Millwrights
Misc. Const. Equipment Operators
Painters, Construction & Maintenance
Pipelayers, Plumbers, Pipe & Steam Fitters
Plasterers and Stucco Masons
Roofers
Security Guards & Surveillance Officers
Sheet Metal Workers
Structural Metal Fabricators & Fitters
Welding, Soldering & Brazing Workers
Workers, Extractive Crafts, Miners

TOTAL EMPLOYEES			Females
ALL	M	F	Goals
0	0	0	1.5%
0	0	0	1.8%
0	0	0	2.8%
0	0	0	0.0%
101	101	0	1.8%
0	0	0	0.3%
0	0	0	2.6%
0	0	0	0.0%
0	0	0	3.0%
0	0	0	0.0%
0	0	0	1.8%
0	0	0	0.0%
0	0	0	5.9%
0	0	0	4.3%
0	0	0	0.8%
0	0	0	3.1%
0	0	0	1.2%
0	0	0	13.3%
0	0	0	3.5%
0	0	0	22.2%
0	0	0	12.7%
0	0	0	2.5%

How to Read Construction Crafts & Trade Work Force Analysis:

The percentages listed in the goals column are calculated by multiplying the CLFA data by the number of employees in that job category. The number in that column represents the percentage of each protected group that should be employed by the firm to meet the CLFA data. A negative number will be shown in the discrepancy column for each underrepresented goal of at least 1.00 position.

TOTAL 101 101 0

II. CONSTRUCTION CRAFTS & TRADE WORK FORCE ANALYSIS:

	Black			Hispanic			Asian			American Indian			Filipino			Female		
	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy	Goals	Actual	Discrepancy
Brick, Block or Stone Masons	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Carpenters	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Carpet, Floor & Tile Installers & Finishers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Cement Masons, Concrete Finishers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Construction Laborers	1.31	0	(1.31)	63.73	98	34.27	3.13	0	(3.13)	0.30	0	N/A	3.13	1	(2.13)	1.82	0	(1.82)
Drywall Installers, Ceiling Tile Installers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Electricians	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Elevator Installers and Repairers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
First-Line Supervisors/Managers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Glaziers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Helpers, Construction Trades	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Millwrights	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Misc. Const. Equipment Operators	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Painters, Construction & Maintenance	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Pipelayers, Plumbers, Pipe & Steam Fitters	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Plasterers and Stucco Masons	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Roofers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Security Guards & Surveillance Officers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Sheet Metal Workers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Structural Metal Fabricators & Fitters	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Welding, Soldering & Brazing Workers	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00
Workers, Extractive Crafts, Miners	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00	0.00	0	0.00

Goals are set by job categories for each protected group. An under representation is indicated by a negative number, but if the DISCREPANCY is less than - 1.00 position, a N/A will be displayed to show there is no under representation.

CITY of SAN DIEGO - METROPOLITAN WASTEWATER DEPARTMENT

Job Order No. 764076

CHANGE ORDER FORM

Sheet 1 of 3

Date 07/03/08

000029

Contract Change Order No. 2 to Contract for:

Title Rancho Mission Canyon Wetland Enhancement Project

Contractor Nature's Image, Inc.

Payment to the contractor for these change order items shall provide full compensation for all equipment, materials, labor, field and home office overhead, mark-ups, and profit necessary to complete the work. By executing this contract change order, contractor agrees that no additional compensation or claims for items of work in this change order will be allowed.

Description:

1. See attached sheet (2 of 3) for continuation..

Increase

X

Decrease

CONTRACT INFORMATION

Resolution No.: R-301791

Fund: 41506

P.O. Number: 5094793

Contract Doc. K06116A

C.I.P. No.: N/A

Aud. Cert. No. 2700511

Ref. Dwg. No. N/A

Original Contract Amount \$985,746.04

Contract Amount Authorized

Through Phase Funding \$0.00

Prior Change Orders \$69,590.63

Amount This Change Order \$262,078.76

New Contract Value \$1,317,415.43

The cost of the Change Order () is (X) is not available from the contingency funds authorized for the contract. \$ 262,078.63 additional funds are requested. The Change Order will () not change (X) increase () decrease the amount of the contract based on:

(X) An Agreed Lump Sum of

() Unit Prices agreed upon totaling

() Time and Materials

\$262,078.76

\$

\$

Original/Previous Contract duration: 616 calendar days. Requested by this Change Order 1,512 NEW CONTRACT DURATION 2,128 calendar days

ORIGINAL CONTRACT COMPLETION DATE: 1/18/2009

NEW CONTRACT COMPLETION DATE: 3/11/2013

Accepted:

[Signature] 7-14-2008
Contractor Date

Recommended By:

[Signature] 7/22/08
Construction Manager Date

[Signature] 7/22/08
MWWD Project Manager Date

[Signature] 7/22/08
MWWD Sr. Project Manager Date

[Signature] 7/22/08
MWWD Contracts Manager Date

[Signature] 7/22/08
MWWD Deputy Director, E & PM Date

[Signature] 7/23/08
MWWD Sup. Admin. Analyst Date

Funds Cert. by

[Signature] 7/31/08
Auditor Date

Executed By:

Mayor or Designee

Approved as to form

City Attorney

Date

Date

Return to Metropolitan Wastewater Department, Contracts Management, MS901

COPY TO

- () AUDITOR 6A w/ enclosure
- () CONTRACTOR w/o enclosure
- () MWD CM w/ enclosure
- () W.O. FILE w/ enclosure
- () PROJECT MANAGER w/ enclosure
- () CONSTRUCTION MANAGER w/ enclosure

Reso:

AC 2900083

000030

Change Order No. 2**DESCRIPTION OF WORK**

<u>Description</u>	Increase	Decrease	Time
Item 1: Additional 52 days to complete Interim Milestone 7, 120-day Plant Establishment Period and all subsequent and dependant milestones through contract completion.			52
Item 2: Additional time and cost to complete Milestone 9, Additive Alternate #1, Year 2 Maintenance Period. Three hundred sixty-five (365) additional calendar days to complete maintenance year 2.	\$84,541.22		365
Item 3: Additional time and cost to complete Milestone 10, Additive Alternate 2, Year 3 Maintenance Period. Three hundred sixty five (365) calendar days to complete maintenance year 3.	\$76,087.52		365
Item 4: Additional time and cost to complete Milestone 11, Additive Alternate 3, Year 4 Maintenance Period. Three hundred sixty-five calendar days to complete maintenance for one year.	\$50,725.01		365
Item 5: Additional time and cost to complete Milestone 12, Additive Alternate 4, Year 5 Maintenance Period. Three hundred sixty-five calendar days to complete Milestone 12.	\$50,725.01		365
Subtotal Amount	\$262,078.76	\$0.00	1,512
Total Net Change Order Amount	\$262,078.76		

Change Order No. 2

JUSTIFICATION FOR ENTITLEMENT

Item 1: Additional work identified within project limits during construction. Contractor unable to meet Milestone 7 requirements within contract timeline. Fifty-two (52) day time extension allows for contractor to complete project Milestones 1-8

Items 2-5: Owner elected Additive Alternate Maintenance years 2-5. Project permits require 5 years of project maintenance following completion of construction and 120-day plant establishment period. The additional time and cost would allow for CONTRACTOR to complete all 5 years of required maintenance and obtain regulatory sign off. Cost accepted during contract award and has been determined to be fair and reasonable.

MILESTONE REQUIREMENTS

Item No. 1.

Interim Milestone 7 - 120-Day Plant Establishment Period - 303 days following NTP

Interim Milestone 8 - Year One Maintenance and Warranty Period - 365 calendar days following completion of 120 day Plant Establishment Period

Item No. 2-5.

Interim Milestone 9 – Year Two (2) Maintenance Period - 365 calendar days following completion of Year one (1) Maintenance Period, Milestone 8

Interim Milestone 10 – Year Three (3) Maintenance Period - 365 calendar days following Completion of Milestone 9

Interim Milestone 11- Year Four (4) Maintenance Period – 365 calendar days following completion of Milestone 10

Interim Milestone 12- Year Five (5) Maintenance Period- 365 calendar days following completion of Milestone 11

000033 REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 50 AC29000 10/21 3. DATE: 07/22/2008	
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): METROPOLITAN WASTEWATER DEPARTMENT	
4. SUBJECT: Rancho Mission Canyon Wetland Enhancement Project, Nature's Image, Inc. - C.C.O. No. 2			
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) Keli Balo (858) 292-6423, MS 901		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Laura Ball (858) 292-6417, MS 901	
8. COMPLETE FOR ACCOUNTING PURPOSES			
FUND	41506		
DEPT.	776 <i>SC</i>		
ORGANIZATION	<i>722 725</i>		
OBJECT ACCOUNT	<i>4222 4119</i>		
JOB ORDER	764076		
C.I.P. NUMBER	N/A		
AMOUNT	262,078.76		
9. ADDITIONAL INFORMATION / ESTIMATED COST: C-13428 (R-301701) \$985,746.04 ✓ Contract Change Order #1 69,590.63 ✓ This Request: Contract Change Order #2 <u>262,078.76</u> ✓ Total Contract \$1,317,415.43 ✓			
10. ROUTING AND APPROVALS			
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT.	<i>[Signature]</i>	<i>9/31/08</i>
2	E.O.C.	<i>[Signature]</i>	<i>8/18/08</i>
3	E.A.S.	<i>[Signature]</i>	<i>8/19/08</i>
4	LIAISON OFFICE	<i>[Signature]</i>	<i>8/28/08</i>
5	F.M.	<i>[Signature]</i>	<i>9-8-08</i>
6	AUDITOR	<i>[Signature]</i>	<i>9-8-08</i>
7			
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
8	DIRECTOR OF PUBLIC UTILITIES	<i>[Signature]</i>	<i>9/2</i>
9	C.O.O.		
10	CITY ATTORNEY	<i>[Signature]</i>	<i>9/9/08</i>
11	ORIG. DEPT.	<i>[Signature]</i>	<i>9/11/08</i>
		DOCKET COORD: <i>[Signature]</i>	COUNCIL LIAISON <i>[Signature]</i>
		COUNCIL PRESIDENT <i>[Signature]</i>	<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: <i>10/1/08</i>
11. PREPARATION OF: <input type="checkbox"/> RESOLUTIONS <input checked="" type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)			
1. Approve Contract Change Order No. 2 with Nature's Image, Inc., providing for a time extension for a period of four years and 2 months (1,512 days) from the original expiration date of the contract and increasing the contract by \$262,078.76 for a total of \$1,317,415.43 to complete Maintenance years 2-5 as defined in the contract and authorizing the Mayor or his designee to execute the Change Order provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for Agreement expenditures are, or will be, on deposit with the City Treasurer.			
NOTE: Continued on the Second Page			
11A. STAFF RECOMMENDATIONS: Adopt the Ordinance.			
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.) COUNCIL DISTRICT(S): 7 COMMUNITY AREA(S): Navajo Community Planning Area ENVIRONMENTAL IMPACT: This activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines 15378(c). This activity is a subsequent discretionary approval covered under Program EIR, PTS No. 6020, dated December 15, 2003. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines section 15162. ATTACHMENTS: Contract Change Order No. 2 with Nature's Image, Inc. CITY CLERK INSTRUCTIONS: Please forward two copies of the Ordinance to MWD, MS 901A, Attn: Rose Salarda. NOTE: This action is subject to Charter Section 99: 6 votes required for approval.			

SECTION 11- PREPARATION OF: RESOLUTIONS, ORDINANCES, ETC. (CONTINUED):

2. Authorizing the expenditure in the amount not to exceed \$262,078,76 from Sewer Funds 41506 for the purpose of funding this Change Order provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for Project Agreement are, or will be, on deposit with the City Treasurer.
3. Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:	July 22, 2008	REPORT NO.:
ATTENTION:	Council President and City Council	
ORIGINATING DEPARTMENT:	Metropolitan Wastewater Department	
SUBJECT:	Rancho Mission Wetland Enhancement Project, Nature's Image Inc. – C.C.O. No. 2	
COUNCIL DISTRICT:	7	
STAFF CONTACT:	Keli Balo (858)292-6423	

REQUESTED ACTION:

Approval of Contract Change Order No. 2 to the agreement with Nature's Image, Inc., providing for a time extension for a period of 1,512 calendar days from the original expiration date of the contract and an additional \$262,078.76.

STAFF RECOMMENDATION:

Adopt the Ordinance.

EXECUTIVE SUMMARY:

On May 14, 2007 the City entered into an agreement with Nature's Image, Inc., with Document Number C-13428. The agreement, in the amount of \$985,746.04, included the construction associated with the Rancho Mission Canyon Wetland Enhancement Project. The site is located on Open Space Lands in the Navajo Community. The project consists of the enhancement of more than 11 acres of wetland and wetland transitional habitat to be used as compensatory mitigation for past and future impacts to upland and wetland habitats within the San Diego River Watershed.

Habitat mitigation projects involve construction, installation, and a mandatory 5 year maintenance and monitoring period. The Rancho Mission Canyon Wetland Enhancement Project is currently in year 1 of the 5 year maintenance period.

This request is for a time extension for 1512 days from the expiration date of the existing contract and an additional \$262,078.76 in funding to allow the contractor to complete the five years of long-term maintenance. The original contract expires on January 18, 2009. This Contract Change Order will enable Nature's Image, to continue to provide maintenance services for the Rancho Mission Canyon Wetland Enhancement Project as required by regulatory permits.

EQUAL OPPORTUNITY CONTRACTING

Funding Agency: City of San Diego- Prevailing wages do not apply to this contract (No State or Federal Funding).

Goals: This project has goals of 19% Mandatory Subcontractor Participation Goal, 6% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise, 12% Advisory Participation Goal Other Business Enterprise (OBE).

Other: A work force report has been submitted. Nature's Image Inc. has demonstrated efforts to diversify their workforce which precludes the need to request an Equal Opportunity Plan.

000036

FISCAL CONSIDERATIONS:

The total not to exceed authorization is \$262,078.76. Funds have been budgeted in the FY 2009 operating budget and are available in Sewer Fund 41506, Dept 776, Org 722 for this project. With this change order the total contract value will be increased to \$1,317,415.43.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-301791 Approved plans and Specifications and authorized funding in the amount of \$1,061,500.

This item was approved by the Natural Resources and Culture Committee on September 10, 2008.

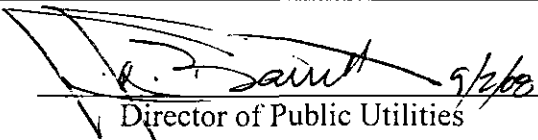
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Nature's Image, Inc.


Originating Department

 9/2/08
Director of Public Utilities

000037

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2900083

DEPT. NO.: 776

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE ☐

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$262,078.76

Vendor: Nature's Image Inc.

Purpose: To execute change order no. 2 increasing the amount of the contract.

Date: July 31, 2008 By: Norman Reyes

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	41506	776	722	4222	764076				262,078.76
				725	5119					
TOTAL AMOUNT										\$262,078.76

AC-361 (REV 2-92)

FUND OVERRIDE ☐

AC 2900083

*Revised
9-8-08*

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

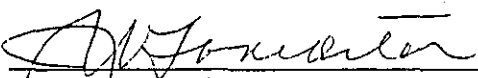
AN ORDINANCE OF THE CITY COUNCIL AUTHORIZING
CHANGE ORDER NO. 2 TO THE CONTRACT WITH
NATURE'S IMAGE, INC. FOR RANCHO MISSION CANYON
WETLAND ENHANCEMENT AND TAKING RELATED
ACTION.

BE IT ORDAINED, by the Council of the City of San Diego as follows:

1. That Contract Change Order No. 2 to the contract with Nature's Image, Inc. for the Rancho Mission Wetland Enhancement under the terms and conditions on file in the office of the City Clerk as Document Number O - _____ to provide a time extension of 1,512 days and to add an additional \$262,078.76 to the contract is approved and the Mayor or his designee is authorized to execute Contract Change Order No. 2.
2. That an amount not to exceed \$262,078.76 from Sewer Fund 41506, Dept. 776, Org. 725 is authorized solely and exclusively to provide funds for Change Order No. 2.
3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.
4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.
5. That the above activity exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15378 (c). This activity is a subsequent discretionary approval covered under Program EIR, PTS No. 6020, dated December 15, 2003. This activity is

adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines section 15162.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
James W. Lancaster
Deputy City Attorney

JWL:ca
9/09/08
Aud.Cert: AC 2900083
Or.Dept:MWWD
MWD-9004
O-2009-38

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor